

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JP MORGAN CHASE BANK, NAT'L	)	
ASS'N S/B/M TO BANK ONE N.A.	)	
	)	
Plaintiff,	)	
	)	Case No. 11-cv-0585-SCW
vs.	)	
	)	
KIMBERLY A. SULLIVAN; TIMOTHY L.	)	
SULLIVAN; THE UNITED STATES OF	)	
AMERICA, DEP'T OF TREASURY;	)	
ILLINOIS DEP'T OF REVENUE;	)	
	)	
Defendant(s).	)	

**ORDER**

**WILLIAMS, Magistrate Judge:**

Before the Court is (Doc. 41) Plaintiff's Motion for Dismissal of the case without prejudice as to all parties. The U.S. Department of Treasury, the only defendant to have appeared and the only defendant to have filed an answer, has filed a response (Doc. 43) indicating it has no objection to the motion.

Plaintiff moves pursuant to Federal Rule of Civil Procedure 41(a)(2), which provides in pertinent part that an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper, except as provided by Rule 41(a)(1). Rule 41(a)(1), in turn (and with exceptions not relevant here), permits a plaintiff to dismiss an action without court order by filing a notice of dismissal before the opposing party serves an answer (or a summary judgment motion).

Plaintiff's motion, therefore, is granted. As to the Treasury Department, who do not object to dismissal, the undersigned considers dismissal without prejudice proper. **See FED. R. CIV. P. 41(a)(2).** The case against the U.S. Department of Treasury is therefore dismissed without prejudice pursuant to Federal Rule 41(a)(2). As to the remaining defendants (Kimberly A. Sullivan, Timothy

L. Sullivan, and the Illinois Department of Revenue), who have not answered, the case is dismissed without prejudice pursuant to Federal Rule 41(a)(1). All parties shall bear their own costs.

**CONCLUSION**

For the foregoing reasons, Plaintiff's Motion to Dismiss (Doc. 41) is **GRANTED**. All claims against all defendants are dismissed without prejudice. The Clerk of Court is **DIRECTED** to enter judgment and close the case.

**IT IS SO ORDERED.**

**DATE: August 1, 2012**

**/s/ Stephen C. Williams**

**STEPHEN C. WILLIAMS**

United States Magistrate Judge